

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ROBERT OWEN HAYES, a disabled person,	)	
by and through his Conservators, ROBERT	)	
L. HAYES, JR. and MARY M. HAYES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:05-CV-401 CAS
	)	
FORD MOTOR COMPANY, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on plaintiff's Motion to Rescind Docket Text Order. Plaintiff states that the Court's docket text order of September 23, 2005 erroneously deletes from the record a Second Amended Complaint which plaintiff properly filed in response to a Court Order issued by Judge Adelman on May 26, 2005, and which is different from a proposed second amended complaint which was filed as an attachment to plaintiff's earlier-filed motion for leave to file a second amended complaint. Plaintiff also states that the docket text order erroneously deletes two responsive pleadings filed with respect to the Second Amended Complaint.

Following review of the record, plaintiff's motion to rescind should be granted and the docket text order of September 23, 2005 should be deleted.<sup>1</sup>

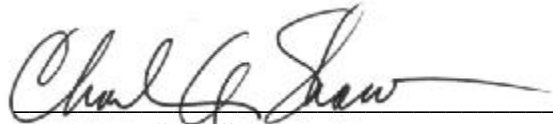
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<sup>1</sup>While plaintiff correctly states that Document 20 does not contain a count against Purcell Tire and Rubber Company, Purcell Tire and Rubber Company is listed as a defendant in the caption of Document 20. The presence of Purcell Tire and Rubber Company in the caption of Document 20, together with the fact that both Document 20 and the attachment to the motion for leave to file amended complaint are entitled "Second Amended Complaint," caused the Court to erroneously conclude the two documents were identical.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's Motion to Rescind Docket Text Order is **GRANTED**. [Doc. 49]

**IT IS FURTHER ORDERED** that the Clerk of the Court is directed to delete the docket text order dated September 23, 2005, which directed that Document Nos. 20, 26 and 27 be deleted from the record. Document Nos. 20, 26 and 27 remain part of the Court file.

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 23rd day of September, 2005.